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C O N F I D E N T I A L SECTION 01 OF 02 PORT AU PRINCE 001458

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E.O. 12958: DECL: 10/10/2018

TAGS: PREL PGOV SNAR

SUBJECT: NEW CHIEF PROSECUTOR PLEDGES TO COMBAT CORRUPTION

REF: A) PORT AU PRINCE 1163 B) PORT AU PRINCE 1382

PORT AU PR 00001458 001.2 OF 002

Classified By: CDA Thomas C. Tighe for reasons 1.4 (b) and (d).

¶1. (C) Summary: The new Chief Prosecutor of Port au Prince, Joseph Manes Louis, says he wants to address the widespread corruption in Haiti's judicial system and improve relations between his office the Haitian National Police (HNP). He will have to follow-through with the these reforms if he is to convince a skeptical public that he can act fairly and independently, and thereby restore the reputation of the Prosecutor's office sullied by his predecessor, Claudy Gassant. However, Manes Louis' heavy-handed raid on Haiti's national insurance office October 9 brought back memories of Gassant's practices. End summary.

I Will Fight Corruption

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¶2. (C) Poloff met new Chief Prosecutor of Port-au-Prince Joseph Manes Louis at a courtesy call on September 24 in his Port-au-Prince office. A former judge now in his mid-thirties, Manes Louis projected a quiet confidence and a command of Haitian law. He began the meeting by stating that his greatest challenge is tackling the rampant corruption and inefficiencies within the judicial system.

¶3. (SBU) To this end, Manes Louis said he would begin by enforcing normal work schedules for the magistrates under his jurisdiction. Manes Louis explained that many prisoner detainees are denied timely due process simply because the investigative magistrates (juges d'instruction) who oversee these cases arrive at work late and leave early. He cited a recent example of a magistrate who unapologetically left his court with three scheduled hearings pending in order to pick up his child left from a baby-sitter. Such cases sometimes take weeks or months to reschedule. Manes Louis said that normal work hours would speed up court hearings and decrease the large numbers of detainees languishing in prison indefinitely without access to due process.

¶4. (C) Manes Louis cited drug-trafficking and associated money laundering activities as another challenge that he intends to focus on as Chief Prosecutor. There are three critical government organizations that assist his office in investigating these crimes: the Anti-Corruption Unit (ULCC)

under the Ministry of Economy and Finance, the Financial Investigative Unit (BAF) within the Haitian National Police, and the Financial Intelligence Unit (UCREF) within the Ministry of Justice. He expressed dismay that while all three entities produce hard evidence that can lead to convictions, his office is often unable to nail a prosecution due to the rampant corruption among the defense attorneys themselves. He cited the case of well-known drug king pin Jacques Ketant, who was extradited and convicted in the U.S. in 2004 for drug-trafficking. Manes Louis claimed that even after U.S. law enforcement identified a direct link between Ketant's assets and drug money, his attorneys used a string of legal technicalities to thwart his prosecution in Haiti. (Comment: Manes Louis apparently believes that drug money buying attorney services is a form of corruption. End comment.)

¶15. (SBU) In a second example, he cited a recent case of a Port-au-Prince auto dealer who accepted USD 27,000 cash for an automobile from a known drug dealer. Though UCREF, BAF and ULCC's investigation uncovered the transaction, they could not bring a case against the individual because the auto dealer claimed he didn't know the name of the buyer and had no receipt for the transaction. (Note: The case aroused suspicion because it is illegal to make cash purchases over USD 5,000, or 200,000 gourdes. Transactions above this amount must be paid for with a bank check or credit card. End note.) He pledged to raise awareness concerning these corruptive activities which he hopes will increase the public's cooperation with future investigations.

I Will Improve Relations with the HNP

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¶16. (SBU) Recalling past friction between the Director General of the HNP, Mario Andresol, and former Chief Prosecutor Gassant, he underscored that his office ''bears no grudge'' against the HNP. He firmly stated his wishes to re-establish positive relations with the HNP so that both offices can work cooperatively and professionally. He quickly came to the defense of his former boss, who he said was ''not out to get anybody,'' but was ''just following procedures.'' In a step toward normalizing relations with the HNP, he revealed his plan to hold a meeting the following week with the fourteen police chiefs in the Port au Prince judicial district to personally relay this message. (Note: Manes Louis, as well as Police Chief Carl-Henri Boucher of Delmas, confirmed to Embooffs on October 8 that the Chief Prosecutor had met October 2 with HNP representatives from Cite Soleil, Port-au-Prince, Delmas, Carrefour, Martissant, Petionville and Kenscoff. Manes Louis described the meeting as relaxed and ending with mutual agreement to work cooperatively for the good of the community. End note.)

¶17. (C) On a final note, Poloff asked Manes Louis for an update on the investigation of Palace Press Director Assad Volcy, whose vehicle was allegedly involved in a kidnapping in August (ref A). (Note: Gassant's illegal interference in the investigation resulted in his resignation in a hail of controversy. End note.) Manes Louis said he officially closed the case for a lack of evidence.

¶18. (C) Comment: Keenly aware of the bad reputation of his predecessor, Manes Louis is making every effort to project a public image of reasonableness and respect for the law. His pledges to fight corruption, reform the magistracy and improve long-damaged relations with the HNP are at the center of that effort. Manes Louis must still prove that he can act independently of his predecessor, bring a more professional disposition to the Prosecutor's office, and make good on the reforms he has proposed. A heavy-handed raid one of his assistant prosecutors and a special police unit conducted on the Office of National Insurance (ONA) (Haiti's retirement and health insurance agency) on October 9, however, was more

reminiscent of the modus operandi of Claudy Gassant. Although ONA and its Director General Sandro Joseph are widely suspected of corruption, the hooded police roughed up and tried to take away numerous employees of the ONA accounting section. The character of the raid provoked criticism in the press and in Parliament. The belief is widespread that Claudy Gassant, who has returned to Port au Prince after his forced resignation (ref b), continues to influence Manes Louis from behind the scenes as part of his effort to maneuver himself back into a position of influence in Haiti's criminal justice system.

SANDERSON